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8 Attorneys for Plaintiff

9 UNITED STATES DISTRICT COURT
10 NORTHERN DISTRICT OF CALIFORNIA
11 SAN JOSE DIVISION

12 UNITED STATES OF AMERICA,)
13 Plaintiff,)
14 v.)
15 TRIEU LAM and)
16 THANH TRAN,)
a/k/a David Tran)
17 Defendants.)
18

No. CR-04-20198-JF

STIPULATION AND [PROPOSED]
ORDER CONTINUING DATE FOR
STATUS CONFERENCE AND
EXCLUDING TIME FROM MARCH 5,
2008 THROUGH MAY 14, 2008 FROM
CALCULATIONS UNDER THE SPEEDY
TRIAL ACT

19 Defendant Trieu Lam ("Lam" or "defendant") and plaintiff United States of America,
20 hereby stipulate as follows:

21 1. The above-captioned case is a trade secret case in which there are thousands of pages of
22 discovery. There are outstanding discovery issues. Defendant Lam and the government have
23 entered into a stipulated protective order to facilitate the discovery of confidential information.
24 On November 1, 2006, defense counsel raised additional issues concerning this information. In
25 February 2007, the government has sent defense counsel a response to these issues. On March
26 11, 2007, defense counsel requested clarification of the government's responses. On April 26,
27 2007, the government provided this clarification. The parties met on September 13, 2007, and
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STIP & [PROPOSED] ORDER CONT.
STATUS CONFERENCE AND EXCLUDING TIME
CR-03-20198-JF

2008 FEB 28 11:11:10

RICHARD W. WIEKING

U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Filed

MAR - 8 2008

RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE

1 began investigating the issues that arose from this meeting. The parties completed a substantial
2 portion of their investigation and met in late January 2008 to discuss a potential disposition to
3 this matter. However, the parties need additional time to complete their investigations and
4 continue these discussions. Unfortunately, the parties will be unavailable in the coming weeks.

5 Defense counsel was involved in a half-day trial the week of February 25, 2008 and will be in
6 trial in Oakland beginning on February 29, 2008 for several weeks. Government counsel
7 anticipates being in trial beginning on April 21, 2008 for approximately two to three weeks

8 2. The defendant understands and agrees to the exclusion of time from calculations under
9 the Speedy Trial Act, 18 U.S.C. § 3161, for the period from March 5, 2008 through May 14,
10 2008, based upon the need for the defense counsel to analyze the confidential information and
11 investigate further the facts of the present case. Defense counsel needs additional time to
12 investigate the facts of this case and evaluate further possible defenses and motions available to
13 the defendant.

14 3. A status conference will not being meaningful until after defendant Lam has had an
15 opportunity to complete his investigation. The parties agree that the status conference currently
16 scheduled for March 5, 2008 and should be continued to May 14, 2008 at 9 a.m.

17 4. The attorney for defendant Lam joins in the request to exclude time under the Speedy
18 Trial Act, 18 U.S.C. § 3161, for the above reasons, and believes the exclusion of time is
19 necessary for effective preparation of the defense; believes the exclusion is in the defendant's
20 best interests; and further agrees that the exclusion under the Speedy Trial Act, 18 U.S.C.
21 § 3161, should be for the period from March 5, 2008 through May 14, 2008.

22 Given these circumstances, the parties believe, and request that the Court find, that the
23 ends of justice are served by excluding the period from March 5, 2008 through May 14, 2008,
24 from calculations under the Speedy Trial Act and that the requested exclusion outweighs the best
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1 interests of the public and the defendant in a speedy trial under the Speedy Trial Act, 18 U.S.C.
2 § 3161(h)(8)(A) & (B)(iv).
3

4 IT IS SO STIPULATED.

5 DATED: 2/27/08
6

JOSEPH P. RUSSONIELLO
United States Attorney

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8 HANLEY CHEW
Assistant United States Attorney
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10 DATED:
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STEVEN R. MANCHESTER
Attorney for defendant Trieu Lam
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13 **[PROPOSED] ORDER**

14 Having considered the stipulation of the parties, the Court finds that: (1) the defendant
15 understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18
16 U.S.C. § 3161, for the period from March 5, 2008 through May 14, 2008, based upon the need
17 for the defense counsel to investigate further the facts of the present case, review the discovery
18 that the government has already provided and evaluate further possible defenses and motions
19 available to the defendant; (2) the exclusion of time is necessary for effective preparation of the
20 defense and is in the defendant's best interests; and (3) the ends of justice are served by
21 excluding from calculations under the Speedy Trial Act the period from March 5, 2008 through
22 May 14, 2008.

23 Accordingly, the Court further orders that (1) the status conference set for March 5, 2008
24 is vacated and that the next appearance date before this Court is scheduled for May 14,
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interests of the public and the defendant in a speedy trial under the Speedy Trial Act, 18 U.S.C. § 3161(h)(8)(A) & (B)(iv).

IT IS SO STIPULATED.

DATED:

JOSEPH P. RUSSONIELLO
United States Attorney

HANLEY CHEW
Assistant United States Attorney

DATED: 2/25/08


STEVEN R. MANCHESTER
Attorney for defendant Tricu Lam

[PROPOSED] ORDER

Having considered the stipulation of the parties, the Court finds that: (1) the defendant understands and agrees to the exclusion of time from calculations under the Speedy Trial Act, 18 U.S.C. § 3161, for the period from March 5, 2008 through May 14, 2008, based upon the need for the defense counsel to investigate further the facts of the present case, review the discovery that the government has already provided and evaluate further possible defenses and motions available to the defendant; (2) the exclusion of time is necessary for effective preparation of the defense and is in the defendant's best interests; and (3) the ends of justice are served by excluding from calculations under the Speedy Trial Act the period from March 5, 2008 through May 14, 2008.

Accordingly, the Court further orders that (1) the status conference set for March 5, 2008 is vacated and that the next appearance date before this Court is scheduled for May 14,

STIP & [PROPOSED] ORDER CONT.
STATUS CONFERENCE AND EXCLUDING TIME
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1 2008 at 9:00 a.m.; and (2) the period from March 5, 2008 through May 14, 2008 is excluded
2 from time calculations under the Speedy Trial Act, 18 U.S.C. § 3161.

3 IT IS SO ORDERED.

4 DATED: 3-3-08

5
6 THE HONORABLE JEREMY FOGEL
7 UNITED STATES MAGISTRATE JUDGE
8 District

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I, Susan Kreider, declare that I am a citizen of the United States, over the age of 18 years and not a party to the within action.

STIPULATION AND PROPOSED ORDER CONTINUING DATE
FOR STATUS CONFERENCE AND EXCLUDING TIME

Steve Manchester
Manchester, Williams & Seibert
125 S. Market St., Suite 1100
San Jose CA 95113-1808

Date: February 28, 2008

Susan Kreider
Legal Assistant
U.S. Attorney's Office